

Categories named in the *Code of Virginia* (§63.2-1606) as persons who are required to report suspected abuse, neglect, or exploitation of elders and incapacitated adults are called **MANDATED REPORTERS**. Any person may voluntarily report suspected abuse to Adult Protective Services (APS).

Who is Mandated to Report?

The *Code of Virginia* identifies the following groups of persons as mandated reporters:

- Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503, except persons licensed by the Board of Veterinary Medicine:
 - *Board of Nursing*: Registered Nurses (RN); Licensed Nurse Practitioners (LNP); Licensed Practical Nurses (LPN); Clinical Nurse Specialists; Certified Massage Therapists; Certified Nurse Aides (CNA)
 - *Board of Medicine*: Doctors of Medicine, Surgery, Osteopathic Medicine, Podiatry, and Chiropractic; Interns and Residents; University Limited Licensees; Physician Assistants; Respiratory and Occupational Therapists; Radiological Technologists and Technologists Limited; Licensed Acupuncturists; Certified Athletic Trainers
 - *Board of Pharmacy*: Pharmacists, Pharmacy Interns, and Technicians; Permitted Physicians; Medical Equipment Suppliers; Restricted Manufacturers; Humane Societies; Physicians Selling Drugs; Wholesale Distributors; Warehousemen,
 - *Board of Dentistry*: Dentists and Dental Hygienists
 - *Board of Funeral Directors and Embalmers*: Funeral Establishments, Services Providers, Directors, and Embalmers; Resident Trainees; Crematories; Surface Transportation and Removal Services; Courtesy Card Holders
 - *Board of Optometry*: Optometrists
 - *Board of Nursing Home Administrators*: Nursing Home Administrators
 - *Board of Counseling*: Licensed Professional Counselors; Certified Substance Abuse Counselors; Counseling Assistants; Certified
- Rehabilitation Providers; Marriage and Family Therapists; Licensed Substance Abuse Treatment Practitioners
 - *Board of Psychology*: School, Clinical, and Applied Psychologist; Sex Offender Treatment Providers; School Psychologists – Limited
 - *Board of Social Work*: Registered Social Workers; Associate Social Workers; Licensed Social Workers; Licensed Clinical Social Workers
 - *Board of Audiology and Speech Pathology*: Audiologists; Speech-Language Pathologists; School Speech-Language Pathologists
 - *Board of Physical Therapy*: Physical Therapist and Physical Therapist Assistant.
 - Any mental health services provider as defined in § 54.1-2400.1;
- Any emergency medical services personnel certified by the Board of Health pursuant to § 32.1-111.5
- Any guardian or conservator of an adult
- Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive, or direct care capacity
- Any person providing full, intermittent or occasional care to an adult for compensation, including but not limited to companion, chore, homemaker and personal care workers
- Any law-enforcement officer

What Are Mandated Reporters Required to Report?

Mandated reporters are required to report suspected abuse, neglect, or exploitation of elders or incapacitated adults. The report is made so that persons responsible for investigating can make the determination as to whether the adult identified needs protective services.

What Is the Timeframe for Making Reports?

The *Code of Virginia* says that reports should be made “immediately.”

Where Are Mandated Reporters to Report?

The *Code of Virginia* assigns responsibility for receiving and investigating reports of adult abuse, neglect, and exploitation to local departments of social services or the Virginia Department of Social Services APS hotline at 1 (888) 832-3858. Mandated reporters are required to report to local departments of social services or the APS hotline. When sexual abuse, death, serious bodily injury, or disease believed to be caused by abuse or neglect, and any criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm are suspected, mandated reporters are required to report to both local departments of social services and local law enforcement.

What Other Responsibilities Are Given to Mandated Reporters?

Mandated reporters also are required to share any records and reports that document the basis for the report and without regard to the reporting person with the local department of social services.

What Rights Do Mandated Reporters Have?

- A person who makes a report is immune from civil and criminal liability unless the reporter acted in bad faith or with a malicious purpose.
- A person who reports has a right to have his/her identity kept confidential unless consent to reveal his/her identity is given or unless the court orders that the identity of the reporter be revealed.
- A person who reports has a right to hear from the investigating local department of social services confirming that the report was investigated.

Is There a Penalty for Failure to Report?

Failure to make a report by mandated reporters is punishable by a civil money penalty of not more than \$500 for the first failure and not less than \$100 nor more than \$1,000 for subsequent failures. The Commissioner of the Department of Social Services shall determine and impose the fine for all mandated reporters except law enforcement.

APS also will refer matters as necessary to the appropriate licensing, regulatory or legal authority for administrative action or criminal investigation.

REPORT ADULT ABUSE
1 (888) 832-3858

Some Common Signs of Adult Abuse, Neglect, and Exploitation

- Injury that has not been cared for properly
- Evidence of inadequate care
- Burns, welts, scratches, bruises, and fractures
- Signs of confinement (locked in room, tied down)
- The adult is not allowed to visit alone with others
- Malnourishment
- The adult is reluctant to speak openly
- Severe anxiety, fearfulness, and depression
- Personal belongings, such as art, silverware, or jewelry, are missing
- Property or savings are mismanaged
- The adult does not have adequate clothing or personal care items when there appears to be enough money to provide for them.

WHAT MANDATED REPORTERS NEED TO KNOW

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